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July 30, 2021

**VIA ELECTRONIC FILING AND
HAND DELIVERY FOR CONFIDENTIAL VERSION**

The Honorable Jocelyn G. Boyd
Chief Clerk/Executive Director
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, SC 29210

**Re: Power Purchase Agreement between Duke Energy Carolinas, LLC and JSD
Flatwood PV-2, LLC
Docket No. 2021-____-E**

Dear Ms. Boyd:

Pursuant to S.C. Code Ann. § 58-41-20(E)(1), Duke Energy Carolinas, LLC (“DEC” or the “Company”), hereby submits the attached Power Purchase Agreement (“PPA” or the “Agreement”), executed by the Company and JSD Flatwood PV-2, LLC (“JSD Flatwood”), for acceptance by the Public Service Commission of South Carolina (“Commission”). JSD Flatwood is a 74 megawatt Small Power Producer Qualifying Facility.¹ DEC has entered into the JSD Flatwood PPA as part of the Tranche 2 procurement under the North Carolina Competitive Procurement of Renewable Energy (“CPRE”) Program implemented under N.C. Gen. Stat. § 62-110.8 and North Carolina Utilities Commission Rule R8-71. Commission Order No. 2019-817 authorized waivers of the South Carolina Generator Interconnection Procedures allowing South Carolina generator interconnection customers to participate in CPRE Tranche 2. Pursuant to Order No. 2018-803(A), DEC and Duke Energy Progress, LLC (“DEP”) report on South Carolina projects that bid into the North Carolina CPRE Program, including identifying selected projects. JSD Flatwood was the only South Carolina projected selected in Tranche 2.

Due to the commercial sensitivity and proprietary nature of certain portions of the Agreement, DEC respectfully requests that the Commission find that pursuant to S.C. Code Ann. Regs. 103-804(S)(2) and S.C. Code Ann. § 30-4-40(a)(1), certain provisions of the PPA are exempt from disclosure under the Freedom of Information Act, S.C. Code Ann. §§ 30-4-10 *et seq.*

¹ See F.E.R.C. Docket No. QF18-1705-003.

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The information contained in the PPA for which DEC seeks protection derives economic value from not being generally known to, and not being readily ascertainable by proper means, by other persons who would be able to obtain economic value from its disclosure. Disclosure of this information would reveal confidential pricing and conditions, as well as delivery parameters and details of the operating characteristics of the facility, all of which are proprietary and specific to this counter-party. In recognition of the confidentiality of the information, the parties to the PPA agreed to confidentiality provisions which prevent either party from disclosing any term of the PPA to any third party without the prior written consent of the other party. Protection of this information is consistent with the Commission's orders protecting similar information in other power purchase agreements in Order No. 2020-394, issued on May 28, 2020, in Docket No. 2020-130-E and Order No. 2020-499, issued on July 22, 2020, in Docket No. 2020-158-E.

Accordingly, the Company respectfully requests that it be permitted to file the confidential version of the PPA under seal and maintained as confidential pursuant to Order No. 2005-226. Attached with this letter is a redacted version of the PPA that protects from disclosure the commercially sensitive and proprietary information, while making available for public viewing non-protected information. Additionally, we are hand delivering a confidential version of the Agreement to the Commission and providing an electronic copy to the Office of Regulatory Staff.

Sincerely,



Heather Shirley Smith

Attachment

C: Jeffrey Nelson, Office of Regulatory Staff (via email with attachment)